

ODP-62-969

8 July 1982

MEMORANDUM FOR: Executive Director
Deputy Director for Intelligence
Deputy Director for Operations
Deputy Director for Science and Technology
Inspector General
Comptroller

FROM: [REDACTED]
Chief, Regulations Control Division

SUBJECT: [REDACTED] Gifts to CIA, DRAFT B (Job #9923)

FOR YOUR INFORMATION:

1. This proposed [REDACTED] as initiated by the Office of General Counsel. As a result of comments received during coordination, the changes denoted by brackets have been made.

2. We plan to send the proposal to the Deputy Director for Administration for approval on 22 July 1982. Please direct any questions or comments to the undersigned before that date.

Attachments:

- A. Concurrence Sheet (OGC)
- B. Proposed [REDACTED]

cc: AO/DCI OF
SSA/DDA OL
D/OIS OS
OGC FAC

UNCLASSIFIED WHEN SEPARATED
FROM ATTACHMENT

25X1

Approved For Release 2005/08/22 : CIA-RDP87-01130R000100100045-0

Approved For Release 2005/08/22 : CIA-RDP87-01130R000100100045-0

[REDACTED]

19. GIFTS TO CIA (U)

SYNOPSIS. This regulation sets forth the policy and procedures for accepting and administering gifts to the CIA in accordance with Section 12 of the CIA Act of 1949 (50 U.S.C. 4031). This regulation does not govern gifts received personally by Agency officers and employees [REDACTED] or operational

gifts [REDACTED] (U)

a. POLICY. Section 12 of the CIA Act of 1949 authorizes the Director of Central Intelligence (DCI) to accept, hold, administer, and use gifts of money, securities, and other property whenever the DCI determines that it would be in the interest of the United States to do so. All gifts of intangible property and related income and proceeds are deposited in a special fund of the Treasury of the United States from which the DCI may authorize disbursements for lawful purposes. Gifts, and income from gifts, may be used only for artistic display or for purposes relating to the general welfare, education, or recreation of Agency employees or their dependents, or for similar purposes. Under no circumstances may gifts, or income from gifts, be used for operational purposes. No gift may be accepted which is expressly conditioned upon an expenditure not to be met from the gift itself or the income it produces, unless the expenditure has been authorized by law. [The authority provided above to the DCI by Section 12 of the CIA Act is delegated to the Agency officials identified in this regulation, who will exercise such authority in accordance with its provisions.] (U)

[REDACTED]

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b. DEFINITIONS

(1) "Agency Gift Administrator" or "Administrator" means the Director of Finance or designee.

(2) "Permissible purposes" means artistic display; the general welfare, education, or recreation of Agency employees or their dependents; and similar purposes.

(3) "Tangibles" means real property and tangible personal property.

(4) "Intangibles" means intangible personal property, including money and securities.

(5) "U.S. Treasury fund" means the fund created on the books of the Treasury for deposit of gifts in accordance with Section 12 of the CIA Act of 1949. (U)

c. RESPONSIBILITIES

(1) The Agency Gifts Administrator ("Administrator") shall:
/will/

(a) Serve as the focal point within the Agency for inquiries from potential donors of gifts.

(b) Receive and administer gifts to the Agency with the assistance of the Director of Logistics, if necessary.

(2) The General Counsel will provide legal advice to the Administrator concerning the receipt and administration of gifts to the Agency. (U)

d. ACCEPTANCE OF GIFTS

(1) All inquiries from potential donors will be referred to the Administrator. If the Administrator determines, after consultation with appropriate Agency officials, that the Agency has a use for the gift and that the benefits of the gift

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would outweigh the burden of administering it, he or she will forward to the Deputy Director for Administration (DDA) a request for a determination that acceptance, holding, administration, and use of the proposed gift to the Agency would be in the interest of the United States. If the potential donor is under cover or, was separated from the Agency under cover, the Administrator will coordinate the request with the Chief, Central Cover Staff; ~~(C)~~

/[and the Director of Security.]//

(2) If the DDA makes the requested determination, the Administrator will arrange for receiving the gift, obtaining any necessary assistance from the Director of Logistics. Except when a donor's cover requires otherwise, the Administrator will provide the donor with a copy of the DDA's determination and an itemized receipt for the gift item(s) received. When the donor's cover requires otherwise, the Administrator will provide the donor with such evidence of the gift as the donor; the Chief, Central Cover Staff; and the General Counsel agree is appropriate in the particular case. /[the Director of Security;]// (C)

e. ADMINISTRATION OF GIFTS

(1) GIFTS OF INTANGIBLES. The Administrator will deposit all gifts of intangibles, and all earnings and proceeds of such gifts, into the U.S. Treasury fund. The Administrator may forward to the DDA, through the General Counsel, requests for orders to disburse the assets of the Treasury fund for:

(a) Permissible purposes for use of gifts.

(b) Investment of the assets in interest-bearing U.S. obligations or obligations guaranteed both as to ~~principle~~ /principal/ and interest by the U.S.

The Administrator will disburse assets from the fund only upon the DDA's orders and only in accordance with those orders. ~~(U)~~

(2) GIFTS OF TANGIBLES. Upon receipt of gifts of tangibles, the Administrator, in consultation with the General Counsel, the Director of Logistics, and the Fine Arts Commission, as appropriate, will determine the proper disposition of the gifts for permissible purposes, consistent with the needs of the Agency and any terms of the gifts. The Administrator may approve display or storage of the gifts. At least annually, the Administrator will review all ~~tangible~~ gifts ~~(currently held~~ // ~~//~~ ~~[of tangibles]~~ // to determine whether they should continue to be held and, when appropriate, will recommend disposal (by sale ~~or~~ exchange // ~~//~~ ~~[for destruction]~~ //) to the DDA for approval. The Office of Logistics will conduct all authorized sales and exchanges of ~~tangible~~ gifts ~~(through its~~ // ~~//~~ ~~[of tangibles]~~ // existing disposal capabilities and will surrender the proceeds to the Administrator. The Administrator will deposit all intangible proceeds in the U.S. Treasury fund. All authorized displays of ~~tangible~~ gifts ~~(will be administered by the Fine Arts~~ // ~~//~~ ~~[of tangibles]~~ // Commission, subject to the authority of the Administrator under this regulation. (U)

DISTRIBUTION: AB

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Proposed [REDACTED] Gifts to CIA, DRAFT B (Job #9923)

FROM: Bruce T. Johnson
Chairman
Fine Arts Commission

EXTENSION

NO.

DATE

15 JUL 1982

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1. [REDACTED]
Chief, Regulations Control Division
RCD/OIS/DDA
2. 1105 Ames Building

The Fine Arts Commission
concurs in the draft of

/s/ Bruce T. Johnson

Bruce T. Johnson
Chairman
Fine Arts Commission

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